

1 MICHAEL F. HERTZ  
Acting Assistant Attorney General  
2 DOUGLAS N. LETTER  
Terrorism Litigation Counsel  
3 JOSEPH H. HUNT  
Director, Federal Programs Branch  
4 ANTHONY J. COPPOLINO  
Special Litigation Counsel  
5 ALEXANDER K. HAAS  
Trial Attorney  
6 U.S. Department of Justice  
Civil Division, Federal Programs Branch  
7 20 Massachusetts Avenue, NW, Rm. 6102  
Washington, D.C. 20001  
8 Phone: (202) 514-4782—Fax: (202) 616-8460

9 *Attorneys for the Government Defendants*

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12		)	No. M:06-CV-01791-VRW
13	IN RE NATIONAL SECURITY AGENCY	)	
14	TELECOMMUNICATIONS RECORDS	)	<b><u>PROPOSED ORDERS RE:</u></b>
15	LITIGATION	)	<b>GOVERNMENT DEFENDANTS'</b>
16	<u>This Document Solely Relates To:</u>	)	<b>MOTION TO STAY PROCEEDINGS</b>
17	<i>Al-Haramain Islamic Foundation et al.</i>	)	<b>PENDING APPEAL AND FOR</b>
18	<i>v. Obama, et al.</i> (07-CV-109-VRW)	)	<b>CERTIFICATION OF</b>
19		)	<b>INTERLOCUTORY APPEAL</b>
20		)	<b>UNDER 28 U.S.C. § 1292(b)</b>
21		)	
22		)	Date: April 9, 2009
23		)	Time: 2:30 pm
24		)	Courtroom: 6, 17 <sup>th</sup> Floor
25		)	
26		)	Honorable Vaughn R. Walker
27		)	

28 **Proposed Orders re: Government Defendants' Motion to Stay Proceedings Pending**  
**Appeal and for Certification of Interlocutory Appeal Under 28 U.S.C. § 1292(b)**  
***Al-Haramain et al. v. Obama et al.* (07-cv-109-VRW) (MDL06-cv-1791-VRW)**

1  
2  
3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

5 ) No. M:06-CV-01791-VRW  
6 IN RE NATIONAL SECURITY AGENCY )  
7 TELECOMMUNICATIONS RECORDS ) [PROPOSED] ORDER GRANTING  
8 LITIGATION ) CERTIFICATION OF  
9 ) INTERLOCUTORY APPEAL  
10 This Document Solely Relates To: )  
11 *Al-Haramain Islamic Foundation et al.* ) Honorable Vaughn R. Walker  
12 *v. Obama, et al.* (07-CV-109-VRW) )  
13 )  
14 )  
15 )  
16 )  
17 )

18 On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's  
19 Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay  
20 of further proceedings in this action pending resolution of its appeal, and also requested that the  
21 Court certify its January 5 Order for interlocutory review, pursuant to 28 U.S.C. § 1292(b). See  
22 Dkt. 60. Upon consideration of the Government's motion that the Court certify its Order of  
23 January 5, 2009 for interlocutory appeal, plaintiffs' response thereto, the record of this case, and  
24 good cause appearing, the Government's motion for certification shall be and hereby is  
25 GRANTED and the Court's January 5, 2009 Order shall be and hereby is certified for  
26 interlocutory appeal pursuant to 28 U.S.C. § 1292(b).  
27

28 DATE: \_\_\_\_\_

\_\_\_\_\_  
Chief Judge Vaughn R. Walker

1  
2  
3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

5 ) No. M:06-CV-01791-VRW  
6 IN RE NATIONAL SECURITY AGENCY )  
7 TELECOMMUNICATIONS RECORDS ) **[PROPOSED] ORDER GRANTING**  
8 LITIGATION ) **STAY PENDING APPEAL.**  
9 This Document Solely Relates To: ) Honorable Vaughn R. Walker  
10 *Al-Haramain Islamic Foundation et al.* )  
11 *v. Obama, et al.* (07-CV-109-VRW) )  
12 )  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )

21 On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's  
22 Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay  
23 of further proceedings in this action pending resolution of its appeal. *See* Dkt. 60. Upon  
24 consideration of the Government's motion that the Court stay further proceedings in this action  
25 pending disposition of the Government's appeal of the Court's Order of January 5, 2009,  
26 plaintiffs' response thereto, the record of this case, and good cause appearing, the Government's  
27 motion for a stay pending appeal shall be and hereby is GRANTED and further proceedings in  
28 this case shall be and hereby are STAYED pending final disposition of appellate proceedings in  
this case.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Chief Judge Vaughn R. Walker

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY	)	No. M:06-CV-01791-VRW
TELECOMMUNICATIONS RECORDS	)	
LITIGATION	)	<b>[PROPOSED] ORDER GRANTING</b>
	)	<b>INTERIM STAY</b>
<u>This Document Solely Relates To:</u>	)	Honorable Vaughn R. Walker
	)	
<i>Al-Haramain Islamic Foundation et al.</i>	)	
<i>v. Obama, et al.</i> (07-CV-109-VRW)	)	
	)	
	)	
	)	
	)	

On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay of further proceedings in this action pending resolution of its appeal, and also requested that the Court certify its January 5 Order for interlocutory review, pursuant to 28 U.S.C. § 1292(b). The parties have briefed that motion and it is now under consideration by the Court. Until the Court rules on the pending motion for a stay pending appeal or for certification of an interlocutory appeal under Section 1292(b), further proceedings contemplated by the Court's January 5 Order in this action (Dkt. 57) shall be and hereby are STAYED pending further order of the Court. If the Court determines, upon consideration of the Government's motion, that it will not enter a stay pending appeal, further proceedings in this case shall continue to be stayed on an interim basis for 30 days to permit the Government to seek a stay from the Court of Appeals pursuant to Rule 8 of the Federal Rules of Appellate Procedure and until disposition of that motion by the Court of Appeals.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Chief Judge Vaughn R. Walker

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA

6 IN RE NATIONAL SECURITY AGENCY ) No. M:06-CV-01791-VRW  
7 TELECOMMUNICATIONS RECORDS )  
8 LITIGATION ) **[PROPOSED] ORDER GRANTING**  
9 This Document Solely Relates To: ) **INTERIM STAY TO PERMIT THE**  
10 *Al-Haramain Islamic Foundation et al.* ) **GOVERNMENT TO SEEK A STAY**  
11 *v. Obama, et al.* (07-CV-109-VRW) ) **IN THE COURT OF APPEALS.**  
12 )  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )

13 On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's  
14 Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay  
15 of further proceedings in this action pending resolution of its appeal, and also requested that the  
16 Court certify its January 5 Order for interlocutory review, pursuant to 28 U.S.C. § 1292(b). The  
17 Government's motion for a stay pending disposition of the Government's appeal of the January  
18 5, 2009 Order shall be and hereby is DENIED, except that the Government's motion that further  
19 proceedings in this case be stayed shall be and hereby is GRANTED solely on an interim basis  
20 for 30 days to permit the Government to seek a stay from the Court of Appeals pursuant to Rule  
21 8 of the Federal Rules of Appellate Procedure and until disposition of any such motion by the  
22 Court of Appeals.

23  
24 DATE: \_\_\_\_\_

25 Chief Judge Vaughn R. Walker  
26  
27